

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

UNITED STATES OF AMERICA,)	CRIMINAL
)	
Plaintiff,)	Albuquerque, New Mexico
)	Monday, March 19, 2018
vs.)	(10:00 a.m. to 10:04 a.m.)
)	(10:15 a.m. to 10:18 a.m.)
)	
JAMES VERDREAM,)	CASE NO: 14-CR-1752-JCH
VALERI DAVENPORT,)	CASE NO: 18-MJ-0864-JBM
JUAN GABRIEL PADILLA-CASAS,)	CASE NO: 17-MJ-3436-JHR
WAYNE RYAN,)	CASE NO: 18-MJ-0863-KBM
)	
<u>Defendants.</u>)	

INITIAL APPEARANCE

BEFORE THE HONORABLE KAREN B. MOLZEN,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff: PAUL MYSЛИWIEC, ESQ.
JEREMY PENA, ESQ.
U.S. Attorney's Office
District of New Mexico
P.O. Box 607
Albuquerque, NM 87103

Interpreter: Dinorah Gutierrez

U.S. Pretrial/Probation: S. Avila-Toledo

Court Reporter: Recorded; Rio Hondo

Clerk: E. Romero

Transcribed By: Exceptional Reporting Services, Inc.
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Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 Albuquerque, New Mexico; Monday, March 19, 2018; 10:00 a.m.

2 **(Interpreter utilized for translation)**

3 **(Call to Order)**

4 **THE COURT:** So, Mr. Verdream, you are also here on a
5 criminal complaint. I need to advise you of your rights in
6 that matter as well.

7 As I do that, though, let me call the other folks so
8 that I can advise them as well.

9 **MR. SPEAKER:** Did you want us to remain here, your
10 Honor?

11 **THE COURT:** Yes, if you don't mind.

12 I'll need you to listen as I advise you of these
13 rights, Mr. Verdream.

14 Also, if I -- Valeri Davenport, could you stand? And
15 can you hear me all right?

16 **DEFENDANT DAVENPORT:** Yes.

17 **THE COURT:** Okay, if at any time you can't hear me,
18 let me know.

19 Juan Gabriel Padilla-Casas? And, Mr. Padilla, can
20 you hear the interpreter?

21 **DEFENDANT PADILLA-CASAS:** Yes, ma'am.

22 **THE COURT:** Wayne Ryan? And can you hear me all
23 right, Mr. Ryan?

24 **DEFENDANT RYAN:** Yes, ma'am.

25 **THE COURT:** All right, if all three of you and also

1 Mr. Verdream, if you'd raise your right hand, I'm going to
2 place you under oath.

3 **(Defendants Sworn)**

4 **THE COURT:** All right. Now that you're under -- oh,
5 and you can be seated, but please listen carefully.

6 Now that you're under oath, you must tell me the
7 truth today or the Government could file an additional charge
8 against you for perjury or making a false statement.

9 It's important you understand what's happening today,
10 so if you have questions, then when I have you up here at the
11 lectern, please ask me to explain more fully.

12 All of you are here today because you have been
13 charged with a Federal crime. I need to advise you of your
14 rights in this matter.

15 First, you have the right to remain silent. Anything
16 you say can be used against you. If you start to make a
17 statement and change your mind, you can stop at any time.

18 You also have the right to an attorney to represent
19 you at all stages of this litigation, including in any
20 questioning.

21 Now, if you cannot afford an attorney, I will appoint
22 one to represent you free of cost.

23 Now, all of you have been charged in a criminal
24 complaint. That means that you do have the right -- I'm
25 sorry -- you will have the right to a preliminary hearing,

1 that's if Mr. Pena is moving to detain in all matters.

2 Are you doing that, Mr. Pena?

3 **MR. PENA:** For the time being, yes, your Honor.

4 **THE COURT:** Okay, now, at a preliminary hearing, the
5 Government will have to produce sufficient evidence convincing
6 me that you probably committed this crime.

7 If it fails to do that, the case against you would be
8 dismissed. At that preliminary hearing, you will be able to
9 present evidence and cross-examine the witnesses.

10 Now, you'll also have the right to a detention
11 hearing. The Government has asked that you be held in custody
12 until the time of trial.

13 I will look and see if there are any conditions for
14 your release that would adequately assure the safety of the
15 community and also assure you return at all future court
16 proceedings.

17 All of you will also have the right to a full jury
18 trial at which you will be presumed innocent and again have the
19 assistance of your lawyer if you want one.

20 You will be able to compel witnesses to come and
21 testify under oath. You'll be able to see and hear all of the
22 witnesses when they testify and you'll be able to cross examine
23 them.

24 The Government cannot force you to testify and your
25 silence cannot be used as evidence against you, but you will

1 have the right to take the stand and testify if you choose to
2 do so. That will be your decision, not your attorney's
3 decision, to make.

4 If you do testify, however, anything you say can be
5 used against you.

6 You cannot be convicted unless the Government proves
7 your guilt beyond a reasonable doubt to all 12 jurors.

8 If you are a citizen of another country, you are
9 entitled to have your Consulate here in the United States
10 notified of these charges. You can request that notification
11 today or at any time in the future. You'll be entitled to a
12 personal Consulate visit.

13 Those are the rights that you have. Again, if you
14 have questions, then please ask me at the lectern.

15 **(Court attends other matters from 10:04 a.m. to**
16 **10:15 a.m.)**

17 **THE COURT:** United States of America versus Wayne
18 Ryan, in 18-MJ-863.

19 **MR. PENA:** Jeremy Pena for the United States.

20 **THE COURT:** So you're no longer employed; is that
21 right?

22 **DEFENDANT RYAN:** No. I resigned because I was
23 starting a new job.

24 **THE COURT:** Okay, you do qualify, Mr. Ryan. And
25 you're requesting appointed counsel?

1 **DEFENDANT RYAN:** I need it at this time until I can
2 acquire another one if I can.

3 **THE COURT:** Okay, I will appoint an attorney to
4 represent you free of cost.

5 Do you understand all of those rights I described?

6 **DEFENDANT RYAN:** Yes, ma'am.

7 **THE COURT:** What is your full name?

8 **DEFENDANT RYAN:** Wayne David Ryan.

9 **THE COURT:** And how old are you?

10 **DEFENDANT RYAN:** Fifty-three.

11 **THE COURT:** How far have you gone in school?

12 **DEFENDANT RYAN:** Eighth grade maybe.

13 **THE COURT:** Okay, now, do you have any serious
14 physical or mental illnesses or conditions?

15 **DEFENDANT RYAN:** No, just retardation.

16 **THE COURT:** Retardation?

17 **DEFENDANT RYAN:** No, I'm --

18 **THE COURT:** Okay, you're kidding?

19 **DEFENDANT RYAN:** Yes.

20 **THE COURT:** All right. Because I want to make sure
21 you understand everything that's happening.

22 And today are you understand the influence of drugs,
23 medicines, or alcohol?

24 **DEFENDANT RYAN:** No, ma'am.

25 **THE COURT:** Okay, and you are able to understand

1 everything that's happening?

2 **DEFENDANT RYAN:** Yes, I am.

3 **THE COURT:** Did you receive a copy of this criminal
4 complaint?

5 **DEFENDANT RYAN:** Yes, I am. I'm being railroaded.

6 **THE COURT:** Have you read through it yourself?

7 **DEFENDANT RYAN:** Oh, yeah.

8 **THE COURT:** Do you understand those allegations?

9 **DEFENDANT RYAN:** Yes.

10 **THE COURT:** Let's see, you've been charged with
11 possessing a machine gun without proper licensing and also
12 possessing a silencer without proper licensing.

13 Do you understand those charges?

14 **DEFENDANT RYAN:** Yes, ma'am.

15 **THE COURT:** What are the maximum penalties that
16 Mr. Ryan faces?

17 **MR. PENA:** Your Honor, the machine gun charge, the
18 922, Subsection (o) charge, carries a maximum of ten years, a
19 three-year term of supervised release, a \$250,000 fine, and a
20 \$100 special penalty assessment.

21 The silencer charge, which is under 26 U.S.C.
22 5861(d), carries a maximum penalty of ten years, a supervised
23 release of three years, and a fine of \$10,000, and a \$100
24 special penalty assessment.

25 **THE COURT:** All right. So, Mr. Ryan, you're going to

1 be meeting with the attorney I'm going to appoint for you.

2 **DEFENDANT RYAN:** Yes, ma'am.

3 **THE COURT:** And then you'll be back in court probably
4 tomorrow morning --

5 **DEFENDANT RYAN:** Yes, ma'am.

6 **THE COURT:** -- for both that preliminary hearing and
7 detention hearing.

8 **DEFENDANT RYAN:** Yes.

9 **THE COURT:** Until the time of those hearings, you'll
10 remain in the custody of the United States Marshal.

11 **DEFENDANT RYAN:** Yes, ma'am.

12 **THE COURT:** Do you understand what's happening?

13 **DEFENDANT RYAN:** Okay.

14 **THE COURT:** All right. And you'll exit out that way.

15 **(Proceedings concluded at 10:18 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



Signed

September 5, 2018

Dated

TONI HUDSON, TRANSCRIBER